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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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25/050,110 15/36/00 MITTS

T 00-142-09

HM12/0921

EXAMINER

RAYMOND A MILLER
REED SMITH SHAW & MCCLAY LLP
PO BOX 488
PITTSBURGH PA 15230-0488

TAYLOR, J

ART UNIT

PAPER NUMBER

1655

6

DATE MAILED:

09/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/580,110	5/2000	Mitts et al.	00-142-US

EXAMINER	
Taylor Cleveland	
ART UNIT	PAPER NUMBER
1655	6

Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.R.F. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Taylor whose telephone number is (703) 305-0273. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Gary Jones whose telephone number is (703) 308-1152. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.


W. Gary Jones
Supervisory Patent Examiner
Technology Center 1600

9/20/01

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: _____

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

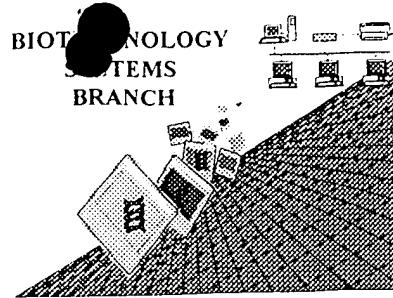
Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

RAW SEQUENCE LISTING

ERROR REPORT



PH 5

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/580,110 A

RECEIVED

Source: 1653

MAR 01 2001

Date Processed by STIC: 2-9-01

TECH CENTER 1600/2900

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) **INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,**
- 2) **TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY**

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST 25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO).

Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be downloaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

Sequence Listing Error Summary

ERROR DETECTED SUGGESTED CORRECTION

SERIAL NUMBER: 09/580,110A

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- | | | |
|---|---|--|
| <p>1 <input type="checkbox"/> Wrapped Nucleic</p> <p>2 <input type="checkbox"/> Wrapped Aminos</p> <p>3 <input type="checkbox"/> Incorrect Line Length</p> <p>4 <input type="checkbox"/> Misaligned Amino Acid Numbering</p> <p>5 <input type="checkbox"/> Non-ASCII</p> <p>6 <input type="checkbox"/> Variable Length</p> <p>7 <input type="checkbox"/> PatentIn ver. 2.0 "bug"</p> <p>8 <input type="checkbox"/> Skipped Sequences (OLD RULES)</p> <p>9 <input type="checkbox"/> Skipped Sequences (NEW RULES)</p> <p>10 <input checked="" type="checkbox"/> Use of n's or Xaa's (NEW RULES)</p> <p>11 <input type="checkbox"/> Use of <213>Organism (NEW RULES)</p> <p>12 <input checked="" type="checkbox"/> Use of <220>Feature (NEW RULES)</p> <p>13 <input type="checkbox"/> PatentIn ver. 2.0 "bug"</p> | <p>The number/text at the end of each line "wrapped" down to the next line.
This may occur if your file was retrieved in a word processor after creating it.
Please adjust your right margin to .3, as this will prevent "wrapping".</p> <p>The amino acid number/text at the end of each line "wrapped" down to the next line.
This may occur if your file was retrieved in a word processor after creating it.
Please adjust your right margin to .3, as this will prevent "wrapping".</p> <p>The rules require that a line not exceed 72 characters in length. This includes spaces.</p> <p>The numbering under each 5th amino acid is misaligned. This may be caused by the use of tabs between the numbering. It is recommended to delete any tabs and use spacing between the numbers.</p> <p>This file was not saved in ASCII.(DOS) text, as required by the Sequence Rules.
Please ensure your subsequent submission is saved in ASCII text so that it can be processed.</p> <p>Sequence(s) <input type="checkbox"/> contain n's or Xaa's which represented more than one residue.
As per the rules, each n or Xaa can only represent a single residue.
Please present the maximum number of each residue having variable length and indicate in the (ix) feature section that some may be missing.</p> <p>A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequence(s) <input type="checkbox"/>. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies primarily to the mandatory <220>-<223> sections for Artificial or Unknown sequences.</p> <p>Sequence(s) <input type="checkbox"/> missing. If intentional, please use the following format for each skipped sequence:
 (2) INFORMATION FOR SEQ ID NO:X:
 (i) SEQUENCE CHARACTERISTICS:(Do not insert any headings under "SEQUENCE CHARACTERISTICS")
 (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X:
 This sequence is intentionally skipped

 Please also adjust the "(iii) NUMBER OF SEQUENCES:" response to include the skipped sequence(s).</p> <p>Sequence(s) <input type="checkbox"/> missing. If intentional, please use the following format for each skipped sequence:
 <210> sequence id number
 <400> sequence id number
 000</p> <p>Use of n's and/or Xaa's have been detected in the Sequence Listing.
 <u>Use of <220> to <223> is MANDATORY if n's or Xaa's are present.</u>
 <u>In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.</u></p> <p>Sequence(s) <input type="checkbox"/> are missing this mandatory field or its response.</p> <p>Sequence(s) <input type="checkbox"/> are missing the <220>Feature and associated headings.
 <u>Use of <220> to <223> is MANDATORY if <213>ORGANISM is "Artificial" or "Unknown"</u>
 <u>Please explain source of genetic material in <220> to <223> section.</u>
 (See "Federal Register," 6/01/98, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of new Rules)</p> <p>Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other means to copy file to floppy disk.</p> | <p>RECEIVED</p> <p>MAR 01 2001</p> <p>TECH CENTER 1600/2900</p> |
|---|---|--|

1653

RAW SEQUENCE LISTING DATE: 02/09/2001
PATENT APPLICATION: US/09/580,110A TIME: 13:56:13

Input Set : A:\SerialNumber 09580110.txt
Output Set: N:\CRF3\02092001\I580110A.raw

3 <110> APPLICANT: MITTS, THOMAS F.
4 SANDBERG, LAWRENCE B.
6 <120> TITLE OF INVENTION: ELASTIN PEPTIDE ANALOGS AND USES OF SAME IN COMBINATION
7 WITH SKIN ENHANCING AGENTS
9 <130> FILE REFERENCE: 00-142-US
11 <140> CURRENT APPLICATION NUMBER: 09/580,110A
12 <141> CURRENT FILING DATE: 2000-05-30
14 <160> NUMBER OF SEQ ID NOS: 75
16 <170> SOFTWARE: PatentIn Ver. 2.1
18 <210> SEQ ID NO: 1
19 <211> LENGTH: 3
20 <212> TYPE: PRT
21 <213> ORGANISM: mammalian
23 <400> SEQUENCE: 1
24 Ala Val Gly
25 1
28 <210> SEQ ID NO: 2
29 <211> LENGTH: 4
30 <212> TYPE: PRT
31 <213> ORGANISM: mammalian
33 <400> SEQUENCE: 2
34 Val Gly Ala Gly
35 1
38 <210> SEQ ID NO: 3
39 <211> LENGTH: 3
40 <212> TYPE: PRT
41 <213> ORGANISM: mammalian
43 <400> SEQUENCE: 3
44 Ile Gly Gly
45 1
48 <210> SEQ ID NO: 4
49 <211> LENGTH: 2
50 <212> TYPE: PRT
51 <213> ORGANISM: mammalian
53 <400> SEQUENCE: 4
54 Leu Gly
55 1
58 <210> SEQ ID NO: 5
59 <211> LENGTH: 4
60 <212> TYPE: PRT
61 <213> ORGANISM: mammalian
63 <400> SEQUENCE: 5
64 Ile Gly Ala Gly
65 1
68 <210> SEQ ID NO: 6
69 <211> LENGTH: 3
70 <212> TYPE: PRT

Does Not Comply
Corrected Diskette Needed

pp 4, 6

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/580,110A

DATE: 02/09/2001
TIME: 13:56:13

Input Set : A:\SerialNumber 09580110.txt
Output Set: N:\CRF3\02092001\I580110A.raw

71 <213> ORGANISM: mammalian
73 <400> SEQUENCE: 6
74 Leu Gly Gly
75 1
78 <210> SEQ ID NO: 7
79 <211> LENGTH: 4
80 <212> TYPE: PRT
81 <213> ORGANISM: mammalian
83 <400> SEQUENCE: 7
84 Val Ala Pro Gly
85 1
88 <210> SEQ ID NO: 8
89 <211> LENGTH: 4
90 <212> TYPE: PRT
91 <213> ORGANISM: mammalian
93 <400> SEQUENCE: 8
94 Leu Gly Pro Gly
95 1
98 <210> SEQ ID NO: 9
99 <211> LENGTH: 4
100 <212> TYPE: PRT
101 <213> ORGANISM: mammalian
103 <400> SEQUENCE: 9
104 Leu Gly Ala Gly
105 1
108 <210> SEQ ID NO: 10
109 <211> LENGTH: 4
110 <212> TYPE: PRT
111 <213> ORGANISM: mammalian
113 <400> SEQUENCE: 10
114 Val Gly Pro Gly
115 1
118 <210> SEQ ID NO: 11
119 <211> LENGTH: 4
120 <212> TYPE: PRT
121 <213> ORGANISM: mammalian
123 <400> SEQUENCE: 11
124 Phe Gly Pro Gly
125 1
128 <210> SEQ ID NO: 12
129 <211> LENGTH: 4
130 <212> TYPE: PRT
131 <213> ORGANISM: mammalian
133 <400> SEQUENCE: 12
134 Val Gly Pro Gln
135 1
138 <210> SEQ ID NO: 13
139 <211> LENGTH: 3
140 <212> TYPE: PRT

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/580,110A

DATE: 02/09/2001
TIME: 13:56:13

Input Set : A:\SerialNumber 09580110.txt
Output Set: N:\CRF3\02092001\I580110A.raw

141 <213> ORGANISM: mammalian
143 <400> SEQUENCE: 13
144 Leu Gly Ala
145 1
148 <210> SEQ ID NO: 14
149 <211> LENGTH: 4
150 <212> TYPE: PRT
151 <213> ORGANISM: mammalian
153 <400> SEQUENCE: 14
154 Val Gly Pro Ala
155 1
158 <210> SEQ ID NO: 15
159 <211> LENGTH: 4
160 <212> TYPE: PRT
161 <213> ORGANISM: mammalian
163 <400> SEQUENCE: 15
164 Val Val Pro Gly
165 1
168 <210> SEQ ID NO: 16
169 <211> LENGTH: 4
170 <212> TYPE: PRT
171 <213> ORGANISM: mammalian
173 <400> SEQUENCE: 16
174 Ala Val Pro Gly
175 1
178 <210> SEQ ID NO: 17
179 <211> LENGTH: 4
180 <212> TYPE: PRT
181 <213> ORGANISM: mammalian
183 <400> SEQUENCE: 17
184 Val Val Pro Gln
185 1
188 <210> SEQ ID NO: 18
189 <211> LENGTH: 6
190 <212> TYPE: PRT
191 <213> ORGANISM: mammalian
193 <400> SEQUENCE: 18
194 Val Ala Ala Arg Pro Gly
195 1 5
198 <210> SEQ ID NO: 19
199 <211> LENGTH: 7
200 <212> TYPE: PRT
201 <213> ORGANISM: mammalian
203 <400> SEQUENCE: 19
204 Leu Gly Ala Gly Gly Ala Gly
205 1 5
208 <210> SEQ ID NO: 20
209 <211> LENGTH: 4
210 <212> TYPE: PRT

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/580,110A

DATE: 02/09/2001
TIME: 13:56:13

Input Set : A:\SerialNumber 09580110.txt
Output Set: N:\CRF3\02092001\I580110A.raw

```

211 <213> ORGANISM: mammalian
213 <400> SEQUENCE: 20
214 Ala Ile Pro Gly
215   1
218 <210> SEQ ID NO: 21
219 <211> LENGTH: 5
220 <212> TYPE: PRT
221 <213> ORGANISM: mammalian
223 <400> SEQUENCE: 21
224 Leu Gly Pro Gly Gly
225   1      5
228 <210> SEQ ID NO: 22
229 <211> LENGTH: 5
230 <212> TYPE: PRT
231 <213> ORGANISM: mammalian
233 <400> SEQUENCE: 22
234 Ala Ala Ala Gln Ala
235   1      5
238 <210> SEQ ID NO: 23
239 <211> LENGTH: 5
240 <212> TYPE: PRT
241 <213> ORGANISM: mammalian
243 <220> FEATURE:
244 <221> NAME/KEY: MOD_RES
245 <222> LOCATION: (4)
247 <400> SEQUENCE: 23
W--> 248 Val Gly Val Xaa Gly
249   1      5
252 <210> SEQ ID NO: 24
253 <211> LENGTH: 5
254 <212> TYPE: PRT
255 <213> ORGANISM: mammalian
257 <400> SEQUENCE: 24
258 Val Tyr Pro Gly Gly
259   1      5
262 <210> SEQ ID NO: 25
263 <211> LENGTH: 6
264 <212> TYPE: PRT
265 <213> ORGANISM: mammalian
267 <400> SEQUENCE: 25
268 Ile Gly Gly Val Gly Gly
269   1      5
272 <210> SEQ ID NO: 26
273 <211> LENGTH: 6
274 <212> TYPE: PRT
275 <213> ORGANISM: mammalian
277 <400> SEQUENCE: 26
278 Val Ala Pro Gly Val Gly
279   1      5

```

→ <223> other information feature missing.
what residue does the "Xaa" represent?
This same error occurs in sequence # 34. Please review and correct.

See #10 on the Error

Summary
Sheet.

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/580,110A DATE: 02/09/2001
TIME: 13:56:13

Input Set : A:\SerialNumber 09580110.txt
Output Set: N:\CRF3\02092001\I580110A.raw

282 <210> SEQ ID NO: 27
283 <211> LENGTH: 5
284 <212> TYPE: PRT
285 <213> ORGANISM: mammalian
287 <400> SEQUENCE: 27
288 Leu Gly Val Gly Gly
289 1 5
292 <210> SEQ ID NO: 28
293 <211> LENGTH: 4
294 <212> TYPE: PRT
295 <213> ORGANISM: mammalian
297 <400> SEQUENCE: 28
298 Leu Val Pro Gly
299 1
302 <210> SEQ ID NO: 29
303 <211> LENGTH: 5
304 <212> TYPE: PRT
305 <213> ORGANISM: mammalian
307 <400> SEQUENCE: 29
308 Phe Arg Ala Ala Ala
309 1 5
312 <210> SEQ ID NO: 30
313 <211> LENGTH: 6
314 <212> TYPE: PRT
315 <213> ORGANISM: mammalian
317 <400> SEQUENCE: 30
318 Val Gly Gly Val Pro Gly
319 1 5
322 <210> SEQ ID NO: 31
323 <211> LENGTH: 5
324 <212> TYPE: PRT
325 <213> ORGANISM: mammalian
327 <400> SEQUENCE: 31
328 Phe Gly Pro Gly Gly
329 1 5
332 <210> SEQ ID NO: 32
333 <211> LENGTH: 5
334 <212> TYPE: PRT
335 <213> ORGANISM: mammalian
337 <400> SEQUENCE: 32
338 Val Gly Val Pro Gly
339 1 5
342 <210> SEQ ID NO: 33
343 <211> LENGTH: 6
344 <212> TYPE: PRT
345 <213> ORGANISM: mammalian
347 <400> SEQUENCE: 33
348 Val Leu Pro Gly Ala Gly
349 1 5

<210> 42
<211> 4
<212> PRT
<213> Artificial Sequence

<220>
<221> MOD_RES
<222> (1)
<223> ACETYLATION

<220>
<223> Description of Artificial Sequence: peptide

<400> 42
Val Val Pro Gln
1

Not a valid response.
Too vague. What is
the source of the
artificial sequence?
See #12 on the Error
Summary Sheet.

Note: This error occurs further
in the sequence listing. Please
review and correct each
instance.

VERIFICATION SUMMARY
PATENT APPLICATION: US/09/580,110A DATE: 02/09/2001
TIME: 13:56:14

Input Set : A:\SerialNumber 09580110.txt
Output Set: N:\CRF3\02092001\I580110A.raw

L:248 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:23
L:248 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:23
L:362 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:34
L:362 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:34